UNITED STATES PATENT AND TRADEMARK OFFICE

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10/531,686	04/15/2005	Norimasa Hiramatsu	123491	3726

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EXAMINER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *09 July 2008*.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-4,6-13,15-18 and 21-26* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-4,6-13,15-18 and 21-26* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

        1. ☐ Certified copies of the priority documents have been received.

        2. ☐ Certified copies of the priority documents have been received in Application No. _____.

        3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date *07/25/08, 07/09/08, 05/29/08*.

4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____ .

DETAILED ACTION

1.   Claims 1-4, 6-13, 15-18 and 21-26 are pending for examination in this application.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth
>
> in section 102 of this title, if the differences between the subject matter sought to be patented and the prior
>
> art are such that the subject matter as a whole would have been obvious at the time the invention was made
>
> to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be
>
> negatived by the manner in which the invention was made.

3.   Claims 1, 10 and 21-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Yui (US Pat. No. 5,390,331) in view of Griffioen et al. (US PG-Pub. No. 2002/0188934 A1).

        As per claims 1 and 10 (Currently Amended), Yui teaches the invention as claimed

including an information terminal device (fig. 2; col. 3, lines 32-33) comprising a first internal

memory for storing identification information that is read from a storage medium and identifies

the to identify a storage medium, (20, fig. 2; col. 3, lines 36-37; col. 2, lines 9-11; e.g. ID code

memory), which identification information is read from the storage medium (4, 32, fig. 2; col. 2,

lines 35-36; col. 4, lines 25-26; e.g. ID code stored in ID card memory in IC card is read out), the

storage medium being detachably installed in the information terminal device (col. 4, lines 21-

22; e.g. whether IC card is connected to the apparatus body).

a second internal memory for storing predetermined information different from the

identification information (col.3:46-49 and e.g. RAM is used to process an application program

data on the IC card and fig. 2, 18 and related text); and

Yui substantially disclosed the above invention as recited above. However, Yui was silent

regarding "storage information controlling means which replaces the predetermined

information stored in the second internal memory with predetermined information stored in the

storage medium if the identification information read from the storage medium corresponds to

the identification information that is stored in the first internal memory". Nevertheless as

evidenced by the teachings of Griffioen, "storage information controlling means (e.g. FIG. 1,

Controller 26 and related text) which replaces the predetermined information stored in the

second internal memory (paragraph [0026]) with predetermined information stored in the

storage medium (e.g. FIG. 1, 20 and related text) if the identification information read from the

storage medium corresponds to the identification information (paragraph [0020]

"…identification information, in the form of a manufacturer identifier and a part identifier (e.g.

model number, part number or hardware version)…") that is stored in the first internal memory"

(paragraph [0002] "ROM" and paragraph [0023] "… identification information…") has been

vividly taught. Thus it is respectfully submitted that it would have been obvious to one skilled

in the art at the time the invention was made to replace the predetermined information with

predetermined information stored in the storage medium if the identification information read

from storage corresponds to the identification information stored in the first internal memory for

upgrading existing firmware on third party hardware and after receiving identification

information and a firmware version indicator from the third party hardware where a comparison

may be performed to determine whether or not an upgrade is required for the existing firmware

on the third party hardware as suggested by Griffioen (paragraph [0004]).

As per claim 21, Yui teaches an information terminal device comprising:

program reading means for reading the identification information storing program from

the storage medium as claimed in claim 19 which is detachably installed in the information

terminal device (21, 33; fig. 3);

predetermined information storing means for storing predetermined information read by

the program reading means in an internal memory according to the predetermined information

storing program (col. 2, lines 6-7; e.g. a memory device means for storing an application

program); and

program deleting means for deleting the predetermined information storing program on

the storage medium after the predetermined information has been stored in the internal memory

by the predetermined information storing means (col. 2, lines 26-27; e.g. means for clearing

memory contents of said memory means).

As per claim 22, Yui teaches wherein the program deleting means also deletes the

identification information storing program read from the storage medium by the program reading

means (col. 2, lines 26-27; e.g. means for clearing memory contents of said memory means).

As per claim 23, Yui teaches wherein the program reading means reads the identification

information storing program before predetermined information different from the identification

information is read from the storage medium (A2, fig. 3; col. 4, lines 25-26; e.g. ID code stored

in the ID code memory in the IC card is read out).

As per claim 24 (Currently Amended), Yui teaches the invention substantially as claimed

including a predetermined information changing program which is a computer readable program

executed by a processor to enable for causing an information terminal device in which a storage

medium is detachably installed to execute operations (Abstract) comprising:

a first operation of determining whether identification information for identifying the

storage medium, which has already been stored in a first internal memory of the information

terminal device, corresponds to the identification information of the storage medium now

installed in the information terminal device (col. 3, lines 62-65; e.g. comparator unit compare the

ID code stored in the ID code memory with the ID code read out from the IC card). However,

Yui does not explicitly teach a second operation of replacing predetermined information, which

is different from the identification information, stored in the second internal memory with

predetermined information on the storage medium now installed in the information terminal

device if both identification information is determined to corresponds each other in the first

operation. Griffioen teaches a second operation of replacing predetermined information, which is

different from the identification information, stored in the second internal memory with

predetermined information on the storage medium now installed in the information terminal

device if both identification information is determined to corresponds each other in the first

operation (paragraph [0002] "ROM" and paragraph [0023] "… identification information…").

Therefore it is obvious to one of ordinary skill in the art at the time of the invention was made to

combine the teachings of Yui and Griffioen so that it will update the software which are already

installed and compatible with the system and thus reducing the piracy and illegal distribution of

the software (paragraph [0023]).

As per claim 25 (Currently Amended), Yui teaches the invention substantially as claimed

including a terminal operating program which is a computer readable program executed by a

processor to enable for causing an information terminal device in which a storage medium is

detachably installed to execute operations comprising:

a first operation of determining whether identification information for identifying the

storage medium is stored in a first internal memory (col. 3, lines 62-65; e.g. comparator (col. 3,

lines 62-65; e.g. comparator unit compare the ID code stored in the ID code memory with the ID

code read out from the IC card) ; and a third operation of causing the information terminal device

to operate according to the predetermined information stored in the second internal memory by

way of the second operation (col. 2, lines 12-15; e.g. means for executing the application

program stored in the memory device). However, Yui does not explicitly teach a second

operation of storing predetermined information on the storage medium, which is now installed in

the information terminal device, in a second internal memory of the information terminal device

under a predetermined condition when it is determined in the first operation that the

identification information is not stored in the first internal memory. Griffioen teaches a second

operation of storing predetermined information on the storage medium, which is now installed in

the information terminal device, in a second internal memory of the information terminal device

under a predetermined condition when it is determined in the first operation that the

identification information is not stored in the first internal memory (paragraph [0002] "ROM"

and paragraph [0023] "… identification information…"). Therefore it is obvious to one of

ordinary skill in the art at the time of the invention was made to combine the teachings of Yui

and Griffioen so that it will update the software which are already installed and compatible with

the system and thus reducing the piracy and illegal distribution of the software (paragraph

[0023]).

As per claim 26 (Currently Amended), this is the computer readable medium version of

the claimed information terminal device discussed above (Claim 1), wherein all claim limitations

have been addressed and/or covered in cited areas as set forth above. Thus, accordingly, these

claims are also obvious.

4.   Claims 2-4, 6-9 and 11-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Yui (US Pat. No. 5,390,331) in view of Griffioen et al. (US PG-Pub. No. 2002/0188934 A1)

further in view of Nakajima (US PG-Pub. No. 2003/0100374).

As per claim 2, Yui and Griffioen teach the invention substantially as claimed including

storing operation control means for permitting a storing operation of storing the identification

information in the first internal memory if the identification information is not stored in the first

internal memory (col. 4, lines 6-8; col. 3, lines 59-61; e.g. ID code memory stores the ID code

given by IC card under predetermined condition). Yui and Griffioen do not teach forbidding or

limiting the storing operation after the identification information has been stored in the first

internal memory. Nakajima teaches data contained in non-contact integrated memory tag will be

erased after it comes in contact with the device (paragraphs [0033]; [0018] lines 5-11), thus

teaches forbidding or limiting the storing operation. Therefore it would have been obvious to one

of ordinary skill in the art at the time of the invention was made to combine the teachings of Yui,

Griffioen and Nakajima so that the use of the software application can be limited to a particular

device and illegal distribution of the software can be prevented.

As per claim 3, Nakajima teaches wherein the storing operation control means permits

the storing operation of storing the identification information in the first internal memory if the

identification information is not stored in the first internal memory, before predetermined

information different from the identification information is read from the storage medium (S3,

S7, fig. 7; paragraph [0032]; e.g. updating data is added to the data memory).

As per claim 4, Yui teaches wherein the storing operation control means also permits the

storing operation of storing the identification information in the first internal memory under a

predetermined condition even if the identification information is stored in the first internal

memory (col. 3, lines 59-61).

As per claim 6 (Currently Amended), Yui teaches information executing means which executes an operation according to the predetermined information stored in the second internal memory (14, fig. 2; col. 2, liens 13-14; e.g. means for executing the application program stored in the memory device). However, Yui and Griffioen do not teach wherein the storage information controlling means causes the second internal memory to store the predetermined information on the storage medium now installed in the information terminal device under a predetermined condition when the identification information is not stored in the first internal memory. Nakajima teaches the storage information controlling means causes the second internal memory to store the predetermined information on the storage medium now installed in the information terminal device under a predetermined condition when the identification information is not stored in the first internal memory (S3, S7; fig. 7; paragraph [0032]).

As per claim 7 (Currently Amended), Nakajima teach uploading means which supplies information about modification of the predetermined information in the second internal memory to a predetermined center (paragraph [0018] lines 9-11; paragraph [0005]).

As per claim 8 (Currently Amended), Nakajima teaches installation urging means which executes an operation to urges the installation of the storage medium when the installed storage medium, from which the predetermined information is read, is detached from the information terminal device (paragraph [0044]).

As per claim 9, Yui and Nakajima do not explicitly teach the installation urging means stops at least a part of operation. However, it is well known in the art that when an installation device is detaches from information processing unit the installation operation will stop. Therefore is obvious to one of ordinary skill in the art to use this mechanism so that the proper software will be installed on the device.

As per claims 11-13 and 15-18, they are the method claims of the claims 2-4, 6-9. Therefore, they are rejected for the same reason as per claims 2-4, 6-9 above.

Response to Arguments

5.   Applicant's arguments with respect to claims 1, 10 and 24-26 have been considered but are moot in view of the new ground(s) of rejection. See Griffioen et al. (US PG-Pub. No. 2002/0188934 A1), art made of record above.

Conclusion

6.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to ISAAC T. TECKLU whose telephone number is (571)272-7957. The examiner can normally be reached on M-TH 9:300A - 8:00P.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Tuan Q. Dam can be reached on (571) 272-3695. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Isaac T Tecklu/   /Tuan Q. Dam/
Examiner, Art Unit 2192   Supervisory Patent Examiner, Art Unit 2192